

Statement on East Timor to the UN Decolonization Committee

New York
August 1991

by
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**International Platform of Jurists
for Support of East Timor's
Right to Self-Determination**

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Mr. Chairman, distinguished Delegates,

It is now more than 15 years since Indonesia brutally invaded East Timor. The answer of Jakarta to the Security Council's call for the withdrawal of its forces was the territory's official annexation. The United Nations, it is true, rejected the act and went on considering East Timor as a non-self-governing territory and Portugal as its Administering Power. But meanwhile, more than 200,000 Timorese, roughly one third of the original population, lost their lives due to the violence and famine that accompanied the occupation.

Indonesia is not interested in discussing the question in regard to its legal aspects and desires the annexation to be seen as a fait accompli. It benefits in its efforts from the indifference of many countries and even from the connivance of some, moved by economic or strategic reasons. But nothing can make one forget the crimes that were and are still being committed. Among them, the fact that the Indonesian occupation hinders the people of East Timor from exercising their inalienable right to self-determination.

In March 1990, after more than twenty years of struggle, Namibia achieved political independence. The people of Western Sahara, another victim of a long and unlawful occupation, it now seems will be able soon to pronounce on their own future through a referendum. East Timor will become, in regard to surface and as to number of inhabitants, the biggest of the territories with which the Decolonization Committee is still concerned.

The solution of the Namibian problem and the positive development of the question of Western Sahara (important achievements of the United Nations and of this Committee) indicate that, among the community of nations, the rule of law is now at last gaining ground on mere political expediency. The same can be said of the firm United Nations reaction to the occupation of Kuwait by Iraq (which tried, as Indonesia did in the case of East Timor, to mask Kuwait's annexation under the cloak of false historical bonds and the establishment of a puppet government).

The moment is thus favourable to the cause of East Timor's self-determination. It is necessary, nevertheless, to cast more light upon the juridical aspects of the question. It would be absurd if the world community, who righteously upheld the strict compliance with international law in the cases of Namibia, Western Sahara and Kuwait, would then turn a blind eye and accept the annexation of East Timor.

This is one of the reasons that has led to the formation of an international platform of jurists which, within its specific field, aims to do its part in putting a stop to the foreign occupation of East Timor and to the creation of the conditions that allow its people the exercise of their right to self-determination. The idea was based on the successful example of the Parliamentarians for East-Timor,

a group which was organized in 1988 and has now more than 200 participants from around the world.

As a member of the organizing committee of the International Platform of Jurists for Support of East Timor's Right to Self-Determination, I am very pleased to affirm that this initiative will meet with a similar success. A very high percentage of the invited lawyers endorses our goals and has meanwhile applied for membership of the Platform. The organizing committee has received, until now, more than 60 applications from 15 different countries. Among these lawyers are professors of many American, Australian and European leading universities and members of several parliaments, including the European Parliament.

In November a two day-conference will meet in Lisbon for the official establishment of the Platform and the planning of its future activities. We of the organizing committee anticipate that the conference will be attended by more than 100 jurists of the five continents.

Mr. Chairman,

The invasion, occupation and annexation of East Timor by Indonesia constitute a serious breach of international law, first and foremost because they violate the right of the East Timorese people to self-determination. This right to self-determination includes some important economic aspects. The recent agreement, between Indonesia and Australia, on the exploration of the resources of the so-called Timor Gap, clearly violated one of those aspects: the right to permanent sovereignty over natural resources.

Two years ago, before this Committee, I asserted that the presence in East Timor of sufficient economic resources contradicted the Indonesian argument of the economical inviability of the territory. The colonialist exploitation of East Timor's oil deposits by Indonesia and Australia, regulated by the Timor Gap agreement, betrays that the very existence of those resources was in fact one of the most important reasons that had led to the occupation.

The proceedings, concerning the negotiation, ratification and performance of that agreement, instituted by Portugal against Australia before the International Court of Justice are, in the view of the organizing committee of the Platform, a very important step towards the reestablishment of international legality in East Timor. We congratulate the Portuguese Government for having started those proceedings.

Another question related to the right of the people of East Timor to permanent sovereignty over its natural resources is the so-called development that Indonesia purports to be bringing to the territory. It is important to notice that such "development aid" is still the basis of Jakarta's propaganda, as an attempt to distract world opinion from the negative effects of the crimes committed by its occupation forces.

However, as article 16, para. 1, of the Charter of Economic Rights and Duties of States stresses, development is not possible under foreign occupation. The exercise of the right to self-determination is a prerequisite for development. Accordingly, Indonesia is even economically responsible to the people of East Timor

"(...) for the restitution and full compensation for the exploitation and depletion of, and damage to, the natural and all other resources" of its territory. And one cannot say that Indonesia alone is obliged to refrain from that false development in East Timor. As para. 2, of the same article, pronounces,

"no State has the right to promote or encourage investment that may constitute an obstacle to the liberation of a territory occupied by force".

Mr. Chairman,

The invasion and occupation of East Timor by Indonesia has to be seen in the same light as the Iraqi invasion and occupation of Kuwait. Both, Indonesia and Iraq, have performed an act of aggression, an obvious violation of the Charter of the United Nations. Both have committed an international crime against peace and against the right of peoples to self-determination and independence. Both have committed an act of disobedience to the United Nations by maintaining the occupation of the territories even after the repeated summoning of the Security Council to withdraw their troops. For the sake of the reliability of international law, and thus for the sake of peace, one cannot apply double standards to these two very similar situations.

This is why we heartily welcome the recent unanimous adoption, by the Parliamentary Assembly of the Council of Europe, of a resolution where unequivocally a parallel is made between the two cases. In it, the annexation of East Timor is condemned and the Indonesian government is demanded to withdraw its forces from the territory and to create the preconditions for free exercise of self-determination. In it, the member states of the Council of Europe are requested to insist upon a political solution, negotiated within the United Nations, and to urge countries which have economical links with Indonesia to bring pressure to bear on Indonesia. And, above all, the same member states are called on to implement an arms embargo in respect to Indonesia, until these violations of international law come to an end.

Mr. Chairman,

I express my sincere belief that in striving for the reestablishment of the rule of law in East Timor, the International Platform of Jurists will make their positive contribution to the work of the Decolonization Committee in this specific issue.

Thank you so much.



Parliamentary Assembly
Assemblée parlementaire

ARES966.
1403-2/7/91-12-E

Provisional edition

RESOLUTION 966 (1991) (1)

on East Timor

1. East Timor was annexed by Indonesia on 17 July 1976 with total disregard for the rules of international law and the rights and obligations of Portugal, which was the governing power. The annexation was accompanied by violations of human rights and a policy of forcible assimilation.
2. The annexation has been condemned not only by the General Assembly and Security Council of the United Nations but also by the Conference of Non-Aligned Countries, the Inter-Parliamentary Union, the European Parliament, the ACP-EEC Joint Assembly and many other international, parliamentary, political and religious organisations.
3. From the outset the Indonesian occupying forces were involved in violent confrontation with an armed Timor resistance movement which has always had the support of the East Timorese people and in recent years more particularly of the young.
4. The Assembly condemns the annexation of East Timor by Indonesia, which it regards as a violation of international law and more particularly of peoples' right to self-determination and independence.

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 June 1991. See Doc. 6441, report of the Political Affairs Committee, Rapporteur: Mr Pontillon.